REMARKS:

Claims 139-147, 157-174, 184-192, and 194-208 were pending in the application. Claims 205-208 have been canceled. Claims 139-147, 157-174, 184-192, and 194-204 have been amended. No claims have been added. Therefore, claims 139-147, 157-174, 184-192, and 194-204 remain pending in this application.

Support for the present claim amendments can be found in the originally filed specification, as discussed in detail below. No new matter is added by way of this amendment.

Support for Claim Amendments

Support for the amendment to claim 139 to recite "at least one movement parameter for at least one part image in said set of part images," and similar amendments to other claims can be found at least at page 11, lines 25-35; FIG. 6; page 15, line 6 – page 16, lines 22 (including TABLE 2).

Support for the amendment to claim 139 to recite "an image representative code sequence, different portions of which specify[] a first set of characters indicative of the at least one part image; a second set of characters indicative of an initial position for the at least one part image; and a third set of characters indicative of the at least one movement parameter for the at least one part image," and similar amendments to other claims can be found at least at page 2, lines 25-31; page 5, lines 1-14; pages 21-24 (including TABLE 3 and TABLE 4).

Support for the amendment to claim 139 to recite "wherein the text message is usable by a device receiving the text message to display motion of the at least one part image from the initial position along a trajectory according to the first, second, and third sets of characters," and similar amendments to other claims can be found at least at page 28, lines 8-21.

Support for the amendment to claims 140 and 143 to recite "third set of characters indicative of" "angular velocity" and "linear velocity," and similar amendments to other claim, can be found at least at page 15 (TABLE 2); pages 23-24 (TABLE 4).

Support for the amendment to claims 142 to recite "wherein at least one of the first, second, and third sets of character is one character long," and similar amendments to other claim, can be found at least at page 21 (TABLE 3); page 22, lines 6-10.

Statement of Substance of Interview

Applicant thanks the Examiner for extending the courtesy of conducting a telephone interview on February 3, 2010. Participating in the interview were Examiner Amin and Applicant's undersigned representative. The cited art was discussed in view of the examined claims. No agreement was reached.

Art-Based Rejections

Claims 139-141, 143-147, 157-159, 163-169, 171-174, 184-187, 190-196, and 209-210 stand rejected under 35 U.S.C. § 1.03(a) as being unpatentable over Mochizuki et al. (US 6,044,248) in view of Ludtke (US 6,377,276), and further in view of Cubbage et al. (US 6,606,486). Claims 197-200 and 205-208 also stand rejected as being unpatentable over Mochizuki, in view of Ludtke, and further in view of Cubbage. Claims 161-162, 170, 188 stand rejected as being unpatentable over Mochizuki, in view of Ludtke, in view of Cubbage, and further in view of Haataja (US 6,137,836). Claims 142, 160, 169 and 198 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mochizuki, Ludtke, and Cubbage, and further in view of Kirschner et al. (US 4,026,555). Applicant respectfully disagrees with the rejections. However, amendments are presented herein in an effort to bring the claims to issue more rapidly. In view of the present claim amendments and the remarks below, withdrawal of the present rejections of the pending claims is respectfully requested.

Claim 139 has been amended to recite the features "the wireless communication device creating a text message that includes an image representative code sequence, different portions of which specify[] a first set of characters indicative of the at least one part image; a second set of characters indicative of an initial position for the at least one part image; and a third set of characters indicative of the at least one movement parameter for the at least one part image" where "the text message has a character limit" and "is usable by a device receiving the text message to display motion of the at least one part image from the initial position along a trajectory according to the first, second, and third sets of characters." As discussed below, Applicant submits that the cited references fail to teach or suggest these features.

The Mochizuki reference is directed to "a selective call receiver which is capable of easily analyzing and displaying a message containing graphic images and characters." Mochizuki at col. 1 lines 50-54. The "selective call receiver is capable of receiving a radio selective calling signal from a radio base control station [] which is connected to a public telephone switching network." *Id.* at col. 3, lines 47-50. To this end, Mochizuki describes:

> [A] screen of the display is **equally divided into a plurality of displaying locations** which correspond to predetermined data positions of the message. The display **location of the graphic image unit is determined depending on which of the predetermined data positions of the message is selected** to store the graphic image unit code. Therefore, by selecting a plurality of predetermined data positions of the message, it is possible to **display a single graphic image unit repeatedly at displaying locations** corresponding the plurality of predetermined data positions.

Mochizuki at col. 2, lines 15-25 (emphasis added). In Figure 4C (below), Mochizuki depicts four "displaying locations" that may be used for displaying "graphic image units." *See id.* at col. 5, lines 13-20.

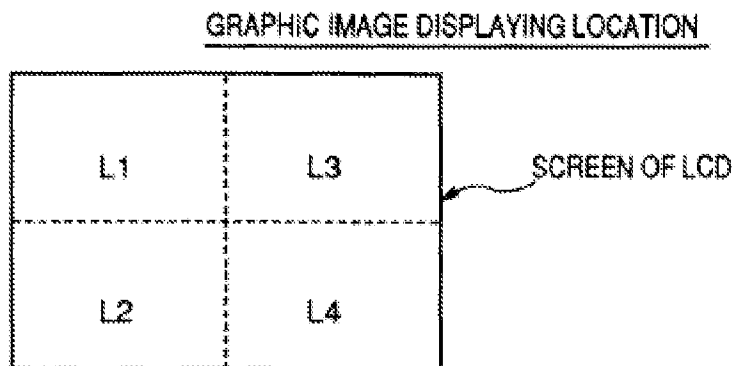GRAPHIC IMAGE DISPLAYING LOCATION

FIG. 4C of Mochizuki

Figure 5 of Mochizuki (below) depicts a transmission signal that includes a "graphic image info" portion that provides for the specification of a "graphic image code [GIC]" for each of the "displaying location" (labeled as "L1," "L2," "L3," and "L4"). *See id.* at col. 5, lines 28-47.

TRANSMISSION SIGNAL FORMAT

CALLING SIGNAL	MESSAGE SIGNAL		
ID	GRAPHIC IMAGE INFO.	FIXED SENTENCE INFO.	FREE MESSAGE CODE

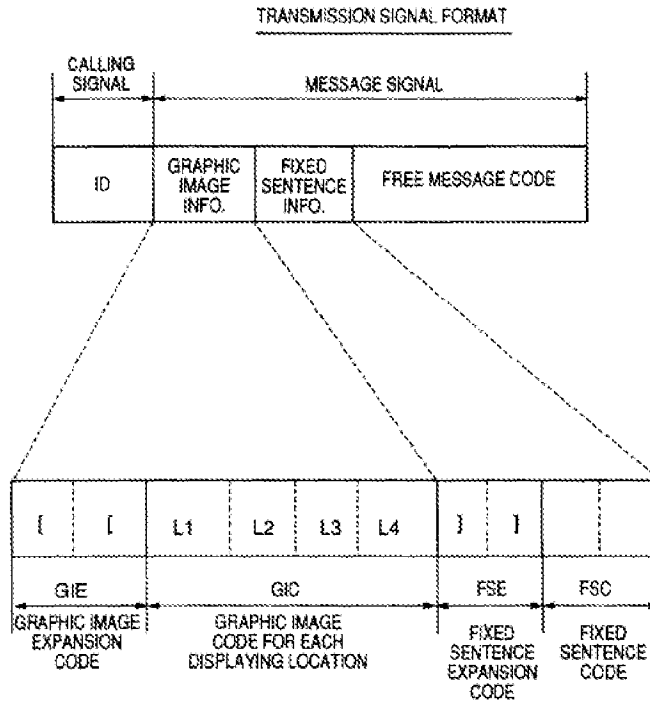| [	[	L1	L2	L3	L4	]	]		
GIE		GIC				FSE		FSC	
GRAPHIC IMAGE EXPANSION CODE		GRAPHIC IMAGE CODE FOR EACH DISPLAYING LOCATION				FIXED SENTENCE EXPANSION CODE		FIXED SENTENCE CODE	

FIG. 5 of Mochizuki

In Figure 6A (below), a "graphic image code" of "02" at the "predetermined data position" that corresponds to "displaying location" "L1" causes a depiction of a cup to be displayed in the L1 "displaying location." *See id.* at col. 6, lines 12-22.
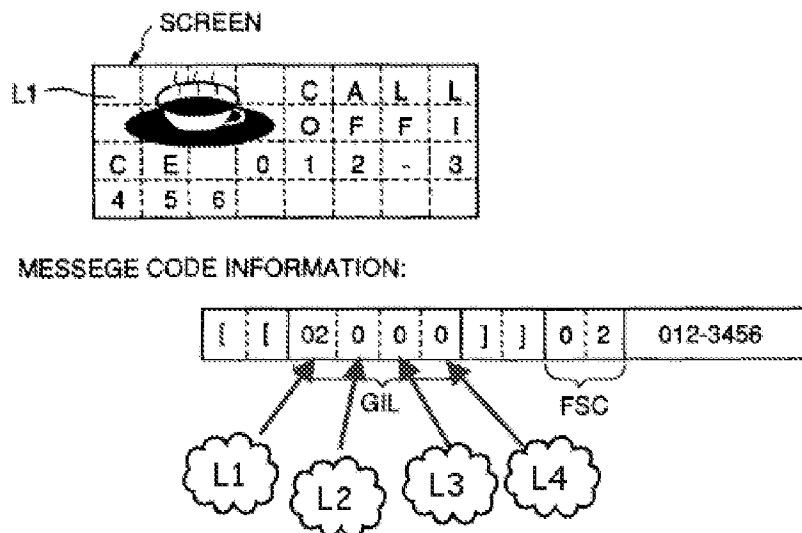

MESSEGE CODE INFORMATION:

[	[	02	0	0	0	]	]	0	2	012-3456

FIG. 5 of Mochizuki ("L1" – "L4" annotation added)

Thus, Mochizuki teaches a "radio selective calling signal" transmission format that uses "graphic image codes" at "predetermined data positions" within a message, thereby specifying the display of a particular "graphic image unit" at a particular "displaying location."

The Examiner acknowledges that "Mochizuki does not explicitly teach a set of position values" "indicative of positions to be occupied in the animation image for one or more part images" and "at least one animation property" "relat[ing] to movement of the at least one part image along a trajectory" Office Action at 5. Thus it follows that Mochizuki does not teach or suggest the "text message that includes an image representative code sequence" features as recited in claim 139.

The Examiner cites Ludtke as teaching "a set of position values . . . indicative of positions to be occupied in the animation image for one or more part images . . . and the at least one animation property . . . relates to movement of the at least one part image along a trajectory," and asserts that "it would have been obvious . . . to substitute the animation property as taught by Ludtke for the switching period animation property of Mochizuki because such a substitution would have yielded predictable results." Office Action at 5. Ludtke is directed to "[a] method of and apparatus for bitmap animation and display of on-screen-display graphics [that] utilizes the HAVi architecture and displays the bitmap animation using a clipping region and a visible window." Ludtke at Abstract. With respect to HAVi architecture, Ludtke teaches:

> The HAVi [home audio/video interoperability] architecture provides a set of services which facilitate interoperability and the development of distributed applications on home networks. ***The HAVi architecture is designed for digital devices coupled together within an IEEE 1394-1995 serial bus network.***

Id. at col. 2, lines 40-42 (emphasis added). Regarding IEEE 1394, Ludke teaches:

> ***The IEEE 1394-1995 standard provides a high-speed serial bus for interconnecting digital devices*** thereby providing a universal I/O connection. The IEEE 1394-1995 standard defines a digital interface for the application thereby eliminating the need for an application to convert digital data to analog data before it is transmitted across the bus. Correspondingly, a receiving application will receive digital data from the bus, not analog data, and will therefore not be required to convert analog data to digital data. **The cable required by the IEEE 1394-1995 standard is very thin in size compared to other bulkier cables used to connect such devices in other connection schemes.**

Id. at col. 1, lines 55-66 (emphasis added). Ludtke also teaches that "bitmap animation sequence" renderings may be accomplished using an "object animation structure." *See id.* at col. 9, lines 43-60 (showing "Struct ObjectAnimation" implemented in "information definition language (IDL) code"). Thus, Ludtke teaches the display of animation by way of a software "**object animation structure**" and a "**high-speed serial bus for interconnecting digital devices**."

Applicant submits that a *prima facie* case of obviousness cannot be based on the proposed combination of Mochizuki and Ludtke. As noted above, the principle of operation of Mochizuki is a "**radio selective calling signal**" transmission format that uses "**graphic image codes**" at "**predetermined data positions**" within a message, thereby specifying the display of a particular "graphic image unit" at a particular "displaying location." The examiner proposes to combine Mochizuki and Ludtke. As described above, however, Ludtke teaches the display of animation by way of a software "**object animation structure**" (e.g., "Struct ObjectAnimation") implemented in "IDL code" and a "**high-speed serial bus** for interconnecting digital devices." Applicant submits that there is no motivation to combine Mochizuki and Ludtke because the proposed combination would require a modification in the principle on which Mochizuki operates—a "radio selective calling signal" transmission format using "graphic image codes" at "predetermined data positions" within a message, thereby specifying the display of a particular "graphic image unit" at a particular "displaying location." Such a modification would requires substituting the "**object animation structures**" implemented in a "high-speed serial bus" of Ludtke for Mochizuki's "**graphic image codes**" at "**predetermined data positions**" within a "radio selective calling signal" transmission. Where a substitution requires substantial reconstruction and redesign of the elements taught in the primary reference and would change the basic principle under which the primary reference was designed to work, the proposed combination cannot support a prima facie case of obviousness. See MPEP 2143.01(VI).

Applicant further submits that even assuming a motivation to combine Mochizuki and Ludtke, the claimed "text message that includes an image representative code sequence" of claim 139 would not be taught or suggested by the combination. Specifically, there is no clear way for one of ordinary skill in the art to incorporate the features of Ludtke's "object animation structures" implemented in a "high-speed serial bus for interconnecting digital devices" with Mochizuki's "graphic image codes" at "predetermined data positions" within a "radio selective

calling signal" transmission as the Examiner proposes. Accordingly, Ludtke fails to cure the above-described deficiencies of Mochizuki.

Applicant notes that the Examiner does not assert that Cubbage, Haataja, or Kirschner teach or suggest the "text message that includes an image representative code sequence" features of claim 139. As described below, these references fail to cure the above-described deficiencies of Mochizuki and Ludtke.

The Examiner cites Cubbage as disclosing "the text message (SMS) has a character limit (160 characters) and the communication device is a wireless communication device" (Office Action at 6), and "use [of] a mobile phone" (Office Action at 8). Cubbage is directed to a "text entry method [that] simplifies entry of the text messages" (Cubbage at Abstract), and does not teach or suggest the "text message that includes an image representative code sequence" of claim 139. Thus, Cubbage does not cure the deficiencies of Mochizuki and Ludtke.

The Haataja reference is alleged to disclose "a remote station (network) with a computer (server) that transmits composite image of a plurality of primitive pictures (set of part images) to a portable communicator (cellular telephone)." Office Action at 16. Haataja is directed to a "method of transmitting pictorial data [that] provides for reduction of required transmission bandwidth by constructing the pictorial data in the form of a composite image of primitive pictures" (Haataja at Abstract), and does not teach or suggest the "text message that includes an image representative code sequence" features of claim 139. Thus, Haataja does not cure the deficiencies of Mochizuki, Ludtke, and Cubbage.

Kirschner is directed to "[k]eyboard-controlled apparatus for producing video signals for standard television receivers includes a random access memory having a multiplicity of storage positions each of which corresponds to a preselected discrete portion of the TV raster." Kirschner at Abstract. The Examiner alleges that Kirschner teaches "the movement (movement on the screen) of the at least one part image (ball) includes changing trajectory to simulate bouncing from a boundary (bouncing off the boundaries)." Office Action at 17. Even assuming *arguendo* a motivation to combine Kirschner's "electronic apparatus for generating video signals for standard television receivers" (Kirschner at col. 1, lines 25-27) with Mochizuki, or with the various combinations discussed above, there is no teaching or suggestion of the "text message

that includes an image representative code sequence" of claim 139. Thus, Kirschner does not cure the deficiencies of Mochizuki, Ludtke, Cubbage, and Haataja.

For at least the reasons stated above, the cited references do not teach or suggest all of the features recited in claim 139. Thus, a § 103 rejection of claim 139 is not supported. Similar remarks apply to the claims that depend from claim 139, and stand rejected on similar grounds. These remarks also apply to independent claims 157, 166, 197, 201, and the claims that dependent therefrom, although these claims have different scope than claim 139. Accordingly, Applicant respectfully requests reconsideration and removal of the present rejections.

* * * *

Applicant also submits that numerous additional ones of the dependent claims recite further distinctions over the cited art. For example, at least the features "wherein at least one of the first, second, and third sets of character is one character long" recited in claim 141, and "wherein the third set of characters is indicative of an angular velocity and a linear velocity" recited in claim 143 are not taught or suggested by the cited references.

CONCLUSION:

Applicant respectfully submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicant hereby petitions for such extension.

The Commissioner is authorized to charge any fees that may be required, or credit any overpayment, to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 501505/6257-32303/EM.

Respectfully submitted,

Date: <u>February 25, 2010</u>

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